

Response Under 37 C.F.R. § 1.111
U.S. Appln. No. 09/492,300

Claim 1

Applicants submit Argiro does not teach or suggest all of the features of the invention as claimed in claim 1. For example, claim 1 requires an image maximum luminance for displaying an image and an ordinary maximum luminance for displaying non-image luminance.

As previously submitted in Amendment of January 31, 2003, on pages 5-6, Applicants submit Argiro does not teach or suggest all of the features of the invention as claimed in claim 1. The Examiner's continued reliance on elements 414, 450 of Argiro is improper for the reasons of record. The Examiner has yet to rebut these arguments relative to Argiro reference.

The Examiner in the Response to Arguments section of the present Office Action argues that Argiro teaches medical images and text numbers, and control of the contrast range using sliders from least luminescence to maximum luminescence. Further, the Examiner argues that it would have been obvious to control the maximum luminescence for the image and lesser luminescence for non-image information. Applicants submit that the Examiner is misinterpreting or misapplying the reference.

The prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination must be found in the prior art and not based on Applicant's disclosure. *See MPEP § 706.02(j).* Thus, the Examiner must provide some teachings in Argiro that teaches or suggests a separate maximum luminance for image and non-image data. The mere fact that Argiro includes a display with an image and a text area does not further require the disparate maximum luminance as described by claim 1. Accordingly, the Examiner is using the Applicant's disclosure to teach this feature, which is not allowed.

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In addition, and as a further example of the differences between Argiro and the claimed subject matter, claim 1 requires the ordinary maximum luminance being lower than the image maximum luminance.

Even though the Examiner admits that Argiro does not teach this feature of the claim, the Examiner argues that it would be obvious to require the ordinary maximum luminance to be lower than the image maximum luminance in order to provide enough brightness for diagnostic imaging and avoid great stress for the viewer's eyes.

However, the teaching or suggestion to make the claimed combination must be found in the prior art and not based on Applicant's disclosure. Eye stress is not suggested anywhere in the disclosure of Argiro. The motivation supplied by the Examiner is only found in the Applicant's disclosure. The Examiner cannot rely on the Applicants disclosure to suggest the claimed feature.

Accordingly, Applicants submit that claim 1 is patentable, and claims 2-13 are patentable by virtue of their dependency.

Claim 2

In addition to the reasons submitted above, Applicants submit that Argiro does not teach or suggest all of the features of the invention as claimed in claim 2.

For example, claim 2 requires adjusting the brightness of the display in an area of non-image information or in an entire display screen in accordance with the ordinary maximum luminance.

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Argiro teaches that the contrast is applied to either the whole volume of the rendered image or only to voxel values of the image data having a particular range. *See col. 20, lines 1-19.* There is no teaching of applying the contrast controls to either the non-image data or the entire display based on any conditions.

Accordingly, Applicants submit that claim 2 is separately patentable at least for this reason.

Claim 12-13

Claims 12-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Argiro in view of Inbar et al. (US 6,269,565: hereafter “Inbar”).

As discussed above, claims 12-13 are patentable over Argiro, and Inbar does not make up for the deficiencies of Argiro.

Further, as previously submitted in Amendment of January 31, 2003, on page 4, it would not have been obvious to combine Inbar with Argiro, because Inbar relates to a lighting device for backlighting a transparency (Inbar, column 1, lines 10-15 and column 7, lines 23-29). But Argiro relates to processing images and computer models on a display screen. In Argiro, there are no transparencies that need to be backlit.

Conclusion

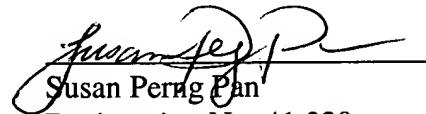
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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